



## Office of the Secretary

### 2 CFR Subtitle B, Ch. IV

### 5 CFR Ch. LXXIII

### 7 CFR Subtitle A; Subtitle B, Chs. I-XI, XIV-XVIII, XX, XXV-XXXVIII, XLII

### 9 CFR Chs. I-III

### 36 CFR Ch. II

### 48 CFR Ch. 4

## Semiannual Regulatory Agenda, Fall 2020

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of the significant and not significant regulatory and deregulatory actions being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 12866 "Regulatory Planning and Review," 13771 "Reducing Regulation and Controlling Regulatory Costs," 13777, "Enforcing the Regulatory Reform Agenda," and 13563, "Improving Regulation and Regulatory Review." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication

except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at [www.reginfo.gov](http://www.reginfo.gov). Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

- (1) Rules that are likely to have a significant economic impact on a substantial number of small entities;  
and
- (2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important regulatory and deregulatory actions are summarized in a Statement of Regulatory Priorities that is included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-3257.

**Dated:** September 10, 2020.

**NAME:** Michael Poe,

*Legislative and Regulatory Staff.*

### Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number

130	NOP; Strengthening Organic Enforcement	0581–AD09
131	Undue and Unreasonable Preferences and Advantages Under the Packers and Stockyards Act	0581–AD81
132	Establishment of a Domestic Hemp Production Program ( <b>Reg Plan Seq No. 1</b> )	0581–AD82

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

#### Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
133	Handling of Animals; Contingency Plans	0579–AC69
134	Requiring Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs	0579–AE58

#### Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
135	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts	0579–AD10
136	National List of Reportable Animal Diseases	0579–AE39
137	Removal of Emerald Ash Borer Domestic Quarantine Regulations	0579–AE42

#### Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number

138	Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States	0579–AD95
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#### Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
139	Brucellosis and Bovine Tuberculosis; Update of Import Provisions	0579–AD65
140	Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms	0579–AE47

#### Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
141	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP)	0584–AE71

#### Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
142	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)	0584–AE61

#### Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
143	Special Uses—Communications Uses Rent	0596–AD43

<b>Department of Agriculture (USDA)</b>	<b>Final Rule Stage</b>
<b>Agricultural Marketing Service (AMS)</b>	

### **130. NOP; STRENGTHENING ORGANIC ENFORCEMENT**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 7 U.S.C. 6501

**Abstract:** The Strengthening Organic Enforcement (SOE) rulemaking will address 2018 Farm Bill mandates. In summary, SOE will propose the following requirements that align with the Farm Bill:

- Limiting the types of operations in the organic supply chain that are not required to obtain organic certification;
- Imported organic products must be accompanied by an electronic import certificate to validate organic status;
- Import certificates will be submitted to the U.S. Customs and Border Protection's Automated Commercial Environment (ACE);
- Certifying agents must notify USDA within 90 days of the opening of any new office that conducts certification activities; and,
- Entities acting on behalf of certifying agents may be suspended when there is noncompliant activity.

#### **Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Proposed Rule	08/05/20	85 FR 47536
Comment Period End	10/05/20	
Final Rule	09/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 260–8077

RIN: 0581–AD09

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## 131. UNDUE AND UNREASONABLE PREFERENCES AND ADVANTAGES UNDER THE PACKERS AND STOCKYARDS ACT

**EO 13771 Designation:** Regulatory

**Legal Authority:** Pub. L. 110–234

**Abstract:** This final rule amends the regulations issued under the Packers and Stockyards Act (P&S Act) by adding new regulations that specify the criteria the Secretary could consider in determining whether conduct or action by packers, swine contractors, or live poultry dealers constitutes an undue or unreasonable preference or advantage and a violation of the P&S Act.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/20	85 FR 1771
NPRM Comment Period End	03/13/20	
Final Rule	12/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael V. Durando, Associate Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250–0237

Phone: 202 720–0219

RIN: 0581–AD81

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## 132. ESTABLISHMENT OF A DOMESTIC HEMP PRODUCTION PROGRAM

**Regulatory Plan:** This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.

RIN: 0581–AD82

**BILLING CODE 3410–02–P**

Department of Agriculture (USDA)	Proposed Rule Stage
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<b>Animal and Plant Health Inspection Service (APHIS)</b>	
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### **133. HANDLING OF ANIMALS; CONTINGENCY PLANS**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 7 U.S.C. 2131 to 2159

**Abstract:** This rulemaking would amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. This action would heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	10/23/08	73 FR 63085
NPRM Comment Period End	12/22/08	
NPRM Comment Period Extended	12/19/08	73 FR 77554
NPRM Comment Period Extended End	02/20/09	
Final Rule	12/31/12	77 FR 76815
Final Rule Effective	01/30/13	
Final Rule — Stay of Regulations	07/31/13	78 FR 46255
Final Rule Effective — Stay of Regulations	07/31/13	
NPRM	06/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kay Carter–Corker, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737  
Phone: 301 851–3748

**RIN:** 0579–AC69

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**134. • REQUIRING MICROCHIPPING, VERIFIABLE SIGNATURES, GOVERNMENT OFFICIAL  
ENDORSEMENT, AND MANDATORY FORMS FOR IMPORTATION OF LIVE DOGS**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 7 U.S.C. 2131 to 2159

**Abstract:** We are proposing to amend the regulations regarding the importation of live dogs by requiring all live dogs imported into the United States for resale purposes to be microchipped for permanent identification, and to require importers to procure a microchip reader and make it available to port-of-entry officials as requested. This action would also add microchipping as one of three identification options for dogs and cats used by dealers, exhibitors and research facilities. In addition, APHIS is proposing to require a verifiable signature on the health certificate and rabies certificate accompanying imported live dogs, an endorsement of the health certificate by a government official in the country of origin, and the mandatory use of forms provided by APHIS.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kay Carter–Corker, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737  
Phone: 301 851–3748

**RIN:** 0579–AE58

Department of Agriculture (USDA)	Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)	

**135. BOVINE SPONGIFORM ENCEPHALOPATHY AND SCRAPIE; IMPORTATION OF SMALL  
RUMINANTS AND THEIR GERMPLASM, PRODUCTS, AND BYPRODUCTS**

**EO 13771 Designation:** Deregulatory



**Legal Authority:** 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

**Abstract:** We are amending the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) and scrapie. We are removing BSE-related import restrictions on sheep and goats and most of their products, and adding import restrictions related to transmissible spongiform encephalopathies for certain wild, zoological, or other non-bovine ruminant species. The conditions we are adopting for the importation of specified commodities are based on internationally accepted scientific literature and will, in general, align our regulations with guidelines established in the World Organization for Animal Health's Terrestrial Animal Health Code.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/16	81 FR 46619
NPRM Comment Period End	09/16/16	
Final Rule	02/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alexandra MacKenzie, Veterinary Medical Officer, Animal Permitting and Negotiating Services, NIES, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737

Phone: 301 851-3300

**RIN:** 0579-AD10

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## 136. NATIONAL LIST OF REPORTABLE ANIMAL DISEASES

**EO 13771 Designation:** Other

**Legal Authority:** 7 U.S.C. 8301 to 8317

**Abstract:** This rulemaking would amend the animal disease regulations to provide for a National List of Reportable Animal Diseases, along with animal disease reporting responsibilities, to streamline State and Federal cooperative animal disease eradication efforts. This action would enhance and consolidate

current disease reporting mechanisms, and would complement and supplement existing animal disease tracking and reporting at the State level.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/20	85 FR 18471
NPRM Comment Period End	06/01/20	
NPRM Comment Period Reopened	08/18/20	85 FR 50796
NPRM Comment Period Reopened End	08/21/20	
Final Action	06/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Jason Baldwin, Acting Coordinator, National List of Reportable Animal Diseases, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B, Mailstop 1E3, Fort Collins, CO 80526

Phone: 970 494–7225

**RIN:** 0579–AE39

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## **137. REMOVAL OF EMERALD ASH BORER DOMESTIC QUARANTINE REGULATIONS**

**EO 13771 Designation:** Deregulatory

**Legal Authority:** 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

**Abstract:** This rulemaking will remove the domestic quarantine regulations for the plant pest emerald ash borer. This action will discontinue the domestic regulatory component of the emerald ash borer program as a means to more effectively direct available resources toward management and containment of the pest. Funding previously allocated to the implementation and enforcement of these domestic quarantine regulations will instead be directed to a non-regulatory option of research into, and deployment of, biological control agents for emerald ash borer, which will serve as the primary tool to mitigate and control the pest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/18	83 FR 47310
NPRM Comment Period End	11/19/18	
Final Rule	11/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Herbert Bolton, National Policy Manager, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 26, Riverdale, MD 20737–1231

Phone: 301 851–3594

**RIN:** 0579–AE42

Department of Agriculture (USDA)	Long-Term Actions
Animal and Plant Health Inspection Service (APHIS)	

**138. IMPORTATION OF FRESH CITRUS FRUIT FROM THE REPUBLIC OF SOUTH AFRICA INTO THE CONTINENTAL UNITED STATES**

**EO 13771 Designation:** Deregulatory

**Legal Authority:** 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

**Abstract:** This rulemaking will amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as citrus hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action will allow for the importation of fresh citrus fruit, including citrus hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/14	79 FR 51273
NPRM Comment Period End	10/27/14	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes**Agency Contact:** Tony Román

Phone: 301 851–2242

**RIN:** 0579–AD95

Department of Agriculture (USDA)	Completed Actions
Animal and Plant Health Inspection Service (APHIS)	

**139. BRUCELLOSIS AND BOVINE TUBERCULOSIS; UPDATE OF IMPORT PROVISIONS****EO 13771 Designation:** Fully or Partially Exempt**Legal Authority:** 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

**Abstract:** We are amending the regulations governing the importation of cattle and bison with respect to bovine tuberculosis and brucellosis. The changes will make these requirements clearer and assure that they more effectively mitigate the risk of introduction of these diseases into the United States.

**Completed:**

Reason	Date	FR Cite
Final Rule	09/17/20	85 FR 57944
Final Rule Effective	10/19/20	

**Regulatory Flexibility Analysis Required:** Yes**Agency Contact:** Kelly Rhodes

Phone: 301 851–3300

**RIN:** 0579–AD65

**140. IMPORTATION, INTERSTATE MOVEMENT, AND RELEASE INTO THE ENVIRONMENT OF CERTAIN GENETICALLY ENGINEERED ORGANISMS**

**EO 13771 Designation:** Deregulatory

**Legal Authority:** 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

**Abstract:** APHIS is revising its regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to update the regulations in response to advances in genetic engineering and APHIS' understanding of the plant health risk posed by genetically engineered organisms, thereby reducing the burden for regulated entities whose organisms pose no plant health risks.

**Completed:**

Reason	Date	FR Cite
Final Rule	05/18/20	85 FR 29790
Final Rule Effective	08/17/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Alan Pearson

Phone: 301 851-3944

**RIN:** 0579-AE47

**BILLING CODE 3410-34-P**

Department of Agriculture (USDA)	Proposed Rule Stage
Food and Nutrition Service (FNS)	

**141. STRENGTHENING INTEGRITY AND REDUCING RETAILER FRAUD IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)**

**EO 13771 Designation:** Regulatory

**Legal Authority:** Pub. L. 113-79; Pub. L. 115-334

**Abstract:** This proposed rule would implement statutory provisions of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), the Agriculture Improvement Act of 2018 (the 2018 Farm Bill),

and other language intended to deter retailer fraud, abuse, and non-compliance in the Supplemental Nutrition Assistance Program (SNAP).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314

Phone: 703 605–0800

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**RIN:** 0584–AE71

Department of Agriculture (USDA)	Long-Term Actions
Food and Nutrition Service (FNS)	

**142. PROVIDING REGULATORY FLEXIBILITY FOR RETAILERS IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)**

**EO 13771 Designation:** Deregulatory

**Legal Authority:** Pub. L. 113–79; 7 U.S.C. 2011 to 2036

**Abstract:** The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements. Subsequent annual Agency appropriations bill language prohibited implementation of certain final rule provisions. In response, this change will provide some retailers

participating in SNAP as authorized food stores with more flexibility in meeting the enhanced SNAP eligibility requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/19	84 FR 13555
NPRM Comment Period End	06/04/19	
NPRM Comment Period Reopened	06/14/19	84 FR 27743
NPRM Comment Period Reopen End	06/20/19	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles H. Watford

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**RIN:** 0584-AE61

**BILLING CODE 3410-30-P**

Department of Agriculture (USDA)	Long-Term Actions
Forest Service (FS)	

**143. SPECIAL USES—COMMUNICATIONS USES RENT**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 43 U.S.C. 1761 to 1771

**Abstract:** Consistent with the requirement in title V, section 504 (g) of the Federal Land Policy and Management Act, the proposed rule would update the Forest Service's rental fee schedule for communications uses based on market value. Updated rental fees that exceed 100 percent of current rental fees would be phased in over a 3-year period.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Edwina Howard–Agu

Phone: 202 205–1419

Email: ehowardagu@fs.fed.us

**RIN:** 0596–AD43

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**BILLING CODE 3410–11–P**

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